

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

United States of America,)	
)	
Plaintiff,)	
vs.)	Case No. 04-0378-01/02-CR-W-FJG
Scott Wallace Tibbetts, and)	
Eddie R. Staggs,)	
Defendants.)	

ORDER

Pending before the Court are defendants' respective motions to dismiss (Docs. #44 and #45), filed March 14, 2005; the government's responses (Doc. #48 and #49), filed March 22, 2005; and defendant Tibbetts' reply (Doc. #5), filed March 29, 2005.

On June 6, 2005, Chief United States Magistrate John T. Maughmer entered a report and recommendation (Doc. #58) which recommended denying the separate motions to dismiss. No objections to the report and recommendation were filed.

The Court, after independent review of the record and applicable law, adopts and incorporates by reference herein, the magistrate's findings and conclusions. Therefore, the Court finds that defendant Tibbetts' motion to dismiss (Doc. #44) and defendant Staggs' motion to dismiss (Doc. #45) must be denied.

Accordingly, it is

ORDERED that the magistrate's findings and conclusions are hereby adopted and incorporated herein by reference. It is further

ORDERED that defendants' respective motions to dismiss (Doc. #44 and #45), filed March 14, 2005, are denied.

/s/Fernando J. Gaitan, Jr.
Judge Fernando J. Gaitan, Jr.
United States District Judge

Dated: June 30, 2005
Kansas City, Missouri